

**STAFF MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, AUGUST 8, 2002
8:15 A.M.**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Kroeker, Budget & Fiscal Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Melissa Koci, County Clerk's Office

The Staff Meeting was called to order at 8:17 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, AUGUST 1, 2002 AND TUESDAY, AUGUST 6, 2002

MOTION: Hudkins moved and Campbell seconded approval of the Staff Meeting minutes of August 1, 2002 and August 6, 2002. Hudkins, Workman, Campbell, Stevens and Heier voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- a. Lawn Watering of County-City Building/Hall of Justice
- b. Update on Meeting w/Mayor on August 8, 2002

MOTION: Stevens moved and Campbell seconded to approve the additions to the agenda. Heier, Stevens, Campbell, Hudkins, and Workman voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- a. Lawn Watering at County-City Building

Hudkins reported he spoke with Don Killeen, Public Building Commission, who indicated there will be a meeting next week regarding watering around the City-County campuses. He said someone drove by the building, noticed there was watering taking place and that the odd/even restrictions hadn't been enforced. Hudkins said he visited with Police Chief Tom Casady last week on the issue and the address number of 555 South 10th, which is odd, was chosen as the times they will water. Hudkins said Killeen's recommendation will be to cut back watering another 20%, but he believes that is as far as they can go in order to protect the investment that is around the County-City building's.

Workman suggested changing the watering to a weekly schedule by watering even numbers every Monday, Wednesday and Friday and odd numbers every Tuesday, Thursday and Saturday with no watering on Sunday.

Hudkins said maybe Workman should make the suggestion at the Mayor's meeting this afternoon.

Campbell agreed the City is using more water than it needs to.

- b. Update on Meeting with Mayor on August 8, 2002

Workman indicated the Mayor will be receiving a letter today regarding the care of inmates who have been injured while in Police custody.

3 COMMISSIONER MEETING REPORTS

- a. **Ecological Advisory Committee** - Campbell

Campbell reported the Ecological Advisory Committee went on a tour that she was not able to attend and then they spent the rest of the time listening to a report on federal money available to improve wetlands.

- b. **CSIP** - Campbell, Stevens

Campbell reported the CSIP meeting was cancelled and has been rescheduled to September 6, 2002 from 10 a.m. to 2 p.m. She indicated Kent Seacrest is going to donate his time working on the facilitation for long range planning on structure.

- c. **District Energy Corporation** - Heier, Hudkins

Hudkins reported the District Energy Corporation is going to look at bond indebtedness. The County will see if they can refinance and lower some interest rates.

4 SPECIAL SESSION UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, appeared and distributed documentation regarding the Special Session (Exhibit A). He indicated the Appropriations Committee met and has recommended taking \$14 million out of the Highway Trust Fund and \$10 million out of the Universal Service Fund.

Kissel also reported the Legislature moved LB11 which will require the State to reimburse the County when a state prisoner is maintained in a County detention facility at the rate of \$35 per day and also caps the total appropriations at \$3,910,000. He said the bill also sets up a program where the claim has to be filed on a quarterly basis, and if the claim is not filed within a certain period, the County will not be reimbursed by the State.

Kissel indicated LB13 would assess a \$6 filing fee for all cases filed in the separate juvenile, county or district courts.

Gary Lacey, County Attorney, appeared and distributed documentation regarding LB13 (Exhibit B). He indicated he is against LB13 because his office put off a computer project so the budget could be met. Lacey said now the Supreme Court is requiring the County Attorney's office to pay for the Court's computers and other items that are mentioned in the bill. Lacey suggested Douglas, Sarpy and Lancaster County oppose the bill strongly.

Campbell suggested the Board strongly oppose LB13 and make sure it isn't part of the Appropriations package.

Kerry Eagan, Chief Administrative Officer, indicated the County gets no benefit or relief at all from the State's Automation Fund because it is used exclusively for the JUSTICE system and other centralized projects.

MOTION: Hudkins moved and Stevens seconded to direct the County Lobbyist to oppose LB13 and draft a letter signed by all Board members opposing LB13. Hudkins, Campbell, Workman, Heier and Stevens voted aye. Motion carried.

Hudkins asked about LB32 and LB23.

Kissel said LB23, which deals with County Roads, will go away. Kissel could not remember what went on with LB32, which deals with Retail Sales Tax.

Kissel also noted there will be some interim hearings scheduled regarding the County Purchasing Act and Local Lodging Tax that the County should be aware of.

Eagan reported he just heard back from Lacey regarding the Special Session and impact fees and indicated the impact will not be as great as the County Attorney believed because defendants often have to pay court costs as part of their sentence, so the amount will be a lot less.

MOTION: Hudkins moved and Campbell seconded to not send a letter opposing LB13. Stevens, Heier, Workman, Campbell and Hudkins voted aye. Motion carried.

Nicole Fleck-Tooze, Special Projects Administrator/Public Works, appeared and distributed documentation regarding the 2003 Storm Water Utility Bill (Exhibit C) and said Lincoln has been working with Omaha Natural Resources District to come up with a plan which will provide enabling legislation for the cities, counties and NRD's.

Fleck-Tooze also reported there is an exemption in the bill of all agricultural property because they don't have impervious land surfaces and land uses. She also noted there will be a Natural Resource Committee meeting on August 23rd if the Board wishes to attend.

Heier wondered if the bill included unincorporated villages.

Don Taute, Assistant City Attorney, said the bill would only apply to people that would be subject to the NPDES (National Pollutant Discharge Elimination System) requirements. He said the language is intended to apply to metropolitan, primary and first-class cities as well as counties that would meet the NPDES requirements.

Heier asked how the bill would affect Sanitary Improvement Districts.

Fleck-Tooze said this particular bill is a separate bill which addresses storm water and Lancaster County will be required, through the NPDES, to meet certain requirements under Phase 2 in relation to quality and quantity. She said the bill allows Lancaster County to create a storm water utility in order to have the funding to meet the requirements.

Hudkins asked for an explanation of "including natural drainage components of such system" because there is natural drainage and agriculture that still takes place within the City.

Fleck-Tooze said it recognizes the fact that there is not just a concrete pipe system of storm sewer that is being maintained, but they are encouraged and being required to look at embodying the natural open drainage channels as part of the overall surface drainage system within the City limits.

Campbell asked when the County has to be compliant with the plan.

Fleck-Tooze said March of 2003 is the date for Phase II compliance.

Hudkins suggested the County Engineer and County Attorney be involved in the next discussion regarding the storm water drainage.

Stevens asked if the fee is based on the impervious surface, which would be a percentage of the value of the property.

Fleck-Tooze said it would be set up on a square footage basis, which would include the driveway, rooftop, etc.

Workman asked about the County using this Legislation and who would be responsible for the Villages and unincorporated areas.

Taute said it would be tied directly to those entities that are subject to the federal regulations that are required to obtain an NPDES permit.

5 ONSITE WASTEWATER & LOT SIZE - John Chess, Water Quality Supervisor

John Chess, Water Quality Supervisor, appeared and indicated he would like to address the 1-acre to 3-acre lot variance issues that have come up as far as whether they are buildable under the new onsite wastewater code. He said some clarification will be needed in the Resolution and the City Ordinance.

Chess said a perc test needs to be passed first, along with a second perc test passed in the reserve area. Chess said if a person's septic fails in 5 to 10 years on a 1-acre plot, the question has been where will the new one be put. So they are requiring a second perc test in a proposed area to replace the existing system, which is for the protection of the person that purchases the lot after the original owners.

Chess reported a couple wanting to build on the 1-acre lot have not completed the perc test, but his office has been keeping in contact with them and once the perc tests have been completed and are okay, the permit will be issued. With regards to a request on a 3-acre lot, both perc tests have been completed and are okay, it's just a matter of the seller agreeing to pay for the second perc test which was three times the normal rate of the market.

Chess said a third issue that came up involved a piece of land that was 2.91 acres. He said the variance procedure and perc test were done. He showed where the system was placed and where the system would be replaced if that system failed and the Health Department found no reason not to issue the permit.

Chess indicated a 4th situation that came before him was the Boy Scouts who had to move their lagoon out of the floodplain and so they quickly moved it next to some trees.

Hudkins asked about the second perc test being done and questioned if it doesn't pass, can a lagoon be put in its place.

Chess said no.

Hudkins believed that if land is taken away by a government agency, road or utility that the property owner gets to count it as part of their land lot. He just wants the person to be able to count land that has been sold or taken through easement into their 3-acres. Hudkins said if someone has 2.9 and they perc one way and don't have enough ground to put a lagoon in, he sees no reason for not letting them count that area so they can qualify for a lagoon.

Mike DeKalb, Planning Department, appeared and indicated that was changed under the Zoning Code, but not under the Health Code.

Scott Holmes, Environmental Health Chief, appeared and said it would depend on how the lot is laid out or where the house is placed.

DeKalb said on the zoning side there are 5 provisions that provide exceptions and protections for right-of-way or areas that protect the buildability of a lot. He said if a person is under the 3-acre lot the perc's need to be checked to make sure it is designed right. He is cautioning the Board to allow the Health Department to give direction, let them take a look at it and review and try and build in some extra grandfathering.

Holmes said the Health Department has asked the State for a variance and he does not know how low the State will go, but he has seen a lot of 2.77 acres receive a permit.

Holmes also noted the resolution has been in place for a very long time and recently they have received requests for development of 3-acre lots or less with sewage systems on them.

Campbell asked Dave Johnson, County Attorney, to give a copy to the Board for their review. She said it needs to be very clear that the septic systems are under the jurisdiction of the State and the Health Department will apply for the waiver, but it is the State's decision.

Heier said the homeowner who builds a lagoon or septic tank should be specifying their pipe or whatever they are using to marry the piping that comes out from the City if annexation ever occurs.

Holmes said the biggest problem is where the septic tank is placed typically and what to do with the City sewer. He noted the complaints have been that the house faces the street and with the City situation the sewer pipe goes right into street. Holmes said on an acreage type lot the house faces the street and the sewer system comes out the back, so they would have to trench down and go around.

Johnson reported what was lacking from the code that was just adopted for the Health Department purposes, was the grandfather clause from zoning.

6 MEDICAL RECORDS CONSULTANT AT THE MANOR - Dave Johnson, Deputy County Attorney; Larry Van Hunnik, Lancaster Manor Administrator

Larry Van Hunnik, Lancaster Manor Administrator, appeared and indicated the person that has been the Medical Records Consultant for Lancaster Manor would like to renew her contract and raise her rates by \$10. Van Hunnik noted the \$250 contract is budgeted annually. The consultant feels now she cannot be compliant with the County requirements for insurance.

Johnson said the contract was drafted some time ago with automatic renewals but this year she wants a \$10 increase. He explained the insurance requirements to her for individuals doing business as a contractor, which would protect her and the County. Johnson said she did not agree with getting insurance and decided not to renew her contract. He also noted Van Hunnik indicated to him that he has people on staff that know what the regulations and laws are with regard to medical records.

Hudkins asked about renewing the contract without requiring the additional insurance, because this particular outside consultant is very good at what she does and has a statewide reputation. He said the insurance requirements would probably cost more than what the County is paying her for the contract.

Stevens suggested hiring the person as a temporary employee for only two days a year.

Diane Staab, Deputy County Attorney, appeared and said at some point Lancaster Manor will need a person more than twice a year to look at making sure policies are in place.

Campbell suggested holding the item for one week to allow Van Hunnik time to ask her about the insurance and her expertise with regard to HIPPA.

Van Hunnik said when he spoke with her she did not consider herself a HIPPA expert because it is in flux right now. He said a lot of facilities do their own things internally and sometimes they suffer for doing it that way.

Heier suggested the Board buy the \$500 insurance policy and get the outside consultant to come back and work for Lancaster County.

The Board asked Van Hunnik to speak with the Consultant about renewing her contract with Lancaster County and the insurance and meet with the Board again next Thursday.

7 PENDING LITIGATION - Mike Thew, Chief Deputy County Attorney; Doug Cyr, Deputy County Attorney

MOTION: Hudkins moved and Campbell seconded to enter into Executive Session for the purpose of discussing pending litigation at 9:50 a.m. Heier, Hudkins, Campbell, Stevens and Workman voted aye. Motion carried.

MOTION: Hudkins moved and Heier seconded to exit Executive Session at 9:59 a.m. Heier, Hudkins, Campbell, Stevens and Workman voted aye. Motion carried.

8 BUDGET UPDATE AND LABOR NEGOTIATIONS - Dave Kroeker, County Budget Officer; Georgia Glass, Personnel Director

MOTION: Campbell moved and Hudkins seconded to enter into Executive Session for the purpose of discussing labor negotiations at 10:08 a.m. Hudkins, Campbell, Workman, Heier and Stevens voted aye. Motion carried.

MOTION: Stevens moved and Campbell seconded to exit Executive Session at 12:22 p.m. Stevens, Heier, Workman, Campbell and Hudkins voted aye. Motion carried.

The Board agreed to set the public hearing for the Fiscal Year 2002-2003 budget on September 5, 2002 at 5 p.m. with the adoption of the budget immediately following the public hearing.

9 CONTRACT FOR WRAPAROUND SERVICES TO STATE WARDS - Sheryl Schrepf, F³ Director; Dave Johnson, Deputy County Attorney

This item was held.

10 HIPPA UPDATE - Diane Staab, Deputy County Attorney; Gwen Thorpe, Deputy Chief Administrative Officer

This item was held.

13 ADMINISTRATIVE OFFICER REPORT
a. County Board Staffing

Gwen Thorpe, Deputy Chief Administrative Officer, appeared and distributed documentation regarding Cori Beattie's job duties (Exhibit D).

Thorpe indicated the Board had requested a list of what Cori's job duties might be if the Board were to hire an additional staff member and she has received information from Doug Ahlberg, Sue Eckley and Brian Pillard. Thorpe indicated the following would be additional duties for the Office Manager position:

- * Budget Assistance
 1. Put together budgets for Administrative Services, Risk Management and Emergency Services
- * Tower Trim Administrator
 1. Work with other departments to set up record plans and become a Certified Records Manager
- * Communication Duties
 1. Keep updating the County Connections newsletter
 2. Update the web pages for the County Board, Administrative Services, Emergency Services and Risk Management

- * Staff Meetings - Would continue typing Commons minutes
- * Assist Doug Ahlberg as required
- * Prepare GIS maps for Emergency Management and County Board
- * Rural Action Program duties as determined
- * Supervise Clerk Typist

Thorpe noted the Clerk Typist's duties would include phone/receptionist, mail, filing, photocopying, enter documents into Tower Trim, prepare and distribute staff agenda, payment vouchers, etc.

Thorpe reported the Rural Action Program duties are currently being performed by Judy Adams through the Lincoln Action Program and some may be taken over by the Office Manager like Village Clerk contacts, yearly meeting with County Board and Village Clerks and Boards and keep in contact with Mike DeKalb regarding Planning issues.

Thorpe said the Board needs to decide whether to hire an additional employee or not, given the budget situation. She said there is definitely enough work in the office to keep 2 people busy most of the time.

Campbell said the Board started out trying to make the department an office of Administrative Services, which means Cori would have to provide those particular services to the other departments. She said a full-time position can be justified because that person will be serving the other 3 departments.

Eagan noted some of the jobs that Sue Eckley does, which includes reports and calculations every month, Cori had already done when Eckley was in the hospital.

Workman asked about the temporary employee that is helping out in the office now.

Thorpe indicated the temporary employee is covering the duties until Monday, and Cori suggested waiting, to see how she does.

Campbell said they would need to make sure they are servicing Records and Emergency Services and Risk Management because that is the only way the Board can justify hiring somebody at this point.

Eagan said the primary justification in the letters to LIBA is they are heading off hiring a full-time person for Emergency Services and Risk Management because both departments had made requests for clerical backup at that time.

Thorpe noted there is not a computer for the new person so she spoke with Information Services who has a used computer at no cost. She said if a Clerk Typist III is hired, that person will need the tools eventually to do their job. Thorpe also said Cori is uncomfortable with Thorpe and Eagan having their backs to the door and asked the Board if it would be okay to have someone come in and look at redesigning it.

The Board agreed to hire a full-time Clerk Typist III and keep the temporary person until the position is covered.

b. Use of Letterhead and Position

This item was held.

c. December Meeting Schedule

This item was held.

d. IRS Payroll Tax Payment

This item was discussed during Executive Session.

e. Budget Freeze Update

Eagan reported Jim Langtry is asking the Board's permission to attend a seminar in Omaha regarding migrating their GIS to the new software and the \$300 has already been accounted for in the County Engineer's budget.

MOTION: Hudkins moved and Campbell seconded approval of the workshop in Omaha. Heier, Hudkins, Campbell, Workman and Stevens voted aye. Motion carried.

f. Records Center & Emergency Management Space Needs

Eagan said he spoke with Doug Ahlberg, Emergency Services Director, who indicated he is very interested in the K Street Power Plant basement, which is presently being used for storage of evidence for the Police Department.

Campbell suggested referring Brian Pillard's space needs letter to Dave Kroeker because the Health Department is not going to be utilizing the space.

MOTION: Campbell moved and Hudkins seconded to refer Brian Pillard's letter to Dave Kroeker and Don Killeen and ask them to come back to Board with how to budget the request. Hudkins, Campbell, Workman, Heier and Stevens voted aye. Motion carried.

g. Juvenile Detention Facility

Heier reported there are several items that still need to be fixed at the Juvenile Detention Facility before the final payment is sent. He indicated the painting is not complete, the door jams are coming loose in the secure units and some door stops may need to be moved. Heier also said the cable on the flag pole keeps breaking and is not yet fixed.

h. Final Payment for Juvenile Detention Facility

Hudkins said he visited the facility and everything looks pretty good except for two dead trees on the northeast corner of the facility which should be checked before the final payment is made.

Campbell suggested having Sinclair Hille check with the people who did the sod job because they may need to get a special permit to water.

ADJOURNMENT:

Hudkins moved and Campbell seconded to adjourn the staff meeting at 12:54 p.m. Heier, Hudkins, Campbell, Stevens and Workman voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk